



## INTERIOR BOARD OF INDIAN APPEALS

Cheyenne-Arapaho Tribes of Oklahoma v. Assistant Secretary - Indian Affairs

16 IBIA 24 (12/09/1987)



# United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS  
INTERIOR BOARD OF INDIAN APPEALS  
4015 WILSON BOULEVARD  
ARLINGTON, VA 22203

CHEYENNE-ARAPAHO TRIBES	:	Order Docketing and Dismissing
OF OKLAHOMA,	:	Appeal
Appellant	:	
	:	
v.	:	
	:	Docket No. IBIA 88-10-A
ASSISTANT SECRETARY--INDIAN	:	
AFFAIRS,	:	
Appellee	:	December 9, 1987

On December 7, 1987, the Board of Indian Appeals (Board) received a notice of appeal from the Cheyenne-Arapaho Tribes of Oklahoma (appellant), through counsel, Ronald C. Hall, Esq. Appellant seeks review of an October 2, 1987, decision of the Assistant Secretary--Indian Affairs dismissing its appeal under 25 CFR 2.17(b) for failure to file its appeal (*i.e.*, brief) within 30 days after filing its notice of appeal. Appellant asks the Board to review the Assistant Secretary's dismissal of its appeal. It also seeks review on the merits of the decision of the Anadarko Area Director, Bureau of Indian Affairs, which it had appealed to the Assistant Secretary. The Area Director's decision concerned an attempted recall of a member of the Cheyenne-Arapaho Business Committee.

The appeal is docketed under the above case name and number which should be cited in all future correspondence or inquiries regarding the matter.

A copy of the Assistant Secretary's October 2, 1987, decision has been provided to the Board. Although the decision does not state whether or not it is final for the Department, the Assistant Secretary has the authority to issue decisions final for the Department. The Board does not have general review authority over such decisions, except as they are specially referred to it on a case-by-case basis or through rulemaking. *See, e.g., Pueblo of Laguna v. Assistant Secretary for Indian Affairs*, 12 IBIA 80, 90 I.D. 521 (1983); *Falcon Lake Properties v. Assistant Secretary--Indian Affairs*, 15 IBIA 286 (1987); 25 CFR 13.15. This matter has not been so referred to the Board.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, this appeal from the Assistant Secretary's October 2, 1987, decision is dismissed.

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//original signed  
Anita Vogt  
Administrative Judge

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//original signed  
Kathryn A. Lynn  
Acting Chief Administrative Judge